

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

Jana R. Rosenkranz, Joan Mondry, and
Ramona Driscoll, individually and on
behalf of all others similarly situated,

Plaintiffs,

VS.

Altru Health System, the Altru Health System Retirement Committee, and John Does 1-30,

Defendants.

ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR CLASS CERTIFICATION

Case No. 3:20-cv-168

Before the Court is a motion for class certification filed by Plaintiffs Jana R. Rosenkranz, Joan Mondry, and Ramona Driscoll, individually and behalf of all others similarly situated (collectively, the “Plaintiffs”). Doc. No. 54. Defendants Altru Health System (“Altru”) and Altru Health System Retirement Committee (the “Committee”) (collectively, the “Defendants”) filed a response, stating they do “not oppose Plaintiffs’ Motion for Class Certification on these claims.”¹ Doc. No. 59.

After independently reviewing the motion and the class certification standards under Federal Rule of Civil Procedure 23, the Court **GRANTS** Plaintiffs’ unopposed motion for class certification (Doc. No. 54). Pursuant to Federal Rule of Civil Procedure 23(a) and (b)(1), this case is certified as a class action under the Employment Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001 *et seq.* The Court certifies as the plaintiff class (the “Class”):

¹ Per the Court's prior order (Doc. No. 44), the following claims and allegations survived the Defendants' motion to dismiss: (1) claim of breach of the fiduciary duty of prudence against the Committee based on the allegations as to lower-cost class share and recordkeeping fees, and (2) the entirety of the claim of breach of fiduciary duties by failing to adequately monitor the Committee against Altru (the "Remaining Claims").

All persons, except Defendants and their immediate family members, who were participants in or beneficiaries of the Plan, at any time between September 9, 2014 through the date of judgment (the “Class Period”).

The Class claims are the Remaining Claims. See supra n.1. The Class shall be represented by named Plaintiffs Jana R. Rosenkranz, Joan Mondry, and Ramona Driscoll, and Capozzi Adler, P.C., is appointed as Class counsel. The Court **FURTHER ORDERS** the parties to meet and confer to agree on the proposed notice to potential Class members pursuant to Federal Rule of Civil Procedure 23(c)(2).

IT IS SO ORDERED.

Dated this 13th day of September, 2022.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court